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11 *Attorneys for Plaintiff/Counterdefendant/Cross Defendant Deutsche Bank National Trust*
12 *Company, as Trustee for, Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through*
13 *Certificates, Series 2004-R8, Whose Address is 1761 East St. Andrew Place, Santa Ana, CA*
14 *92705-4934, Its Successors or Assigns*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 DEUTSCHE BANK NATIONAL TRUST
18 COMPANY, AS TRUSTEE FOR,
19 AMERIQUEST MORTGAGE SECURITIES
20 INC., ASSET-BACKED PASS-THROUGH
21 CERTIFICATES, SERIES 2004-R8, WHOSE
22 ADDRESS IS 1761 EAST ST. ANDREW
23 PLACE, SANTA ANA, CA 92705-4934, ITS
24 SUCCESSORS OR ASSIGNS,

25 Plaintiff,

26 vs.

27 SFR INVESTMENTS POOL 1, LLC, a Nevada
28 limited liability company; THE VILLAS
COMMUNITY ASSOCIATION, a Nevada
non-profit corporation; TERRA WEST
COLLECTIONS GROUP, LLC d/b/a
ASSESSMENT MANAGEMENT SERVICES,

Defendants.

SFR INVESTMENTS POOL 1, LLC,

Counter/Cross Claimant,

vs.

Case No.: 2:17-CV-01764-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY FOR THE
LIMITED PURPOSE OF TAKING
DEPOSITIONS**

(First Request)

1 DEUTSCHE BANK NATIONAL TRUST
2 COMPANY, AS TRUSTEE FOR,
3 AMERIQUEST MORTGAGE SECURITIES
4 INC., ASSET-BACKED PASS-THROUGH
5 CERTIFICATES, SERIES 2004-R8, WHOSE
6 ADDRESS IS 1761 EAST ST. ANDREW
7 PLACE, SANTA ANA, CA 92705-4934, ITS
8 SUCCESSORS OR ASSIGNS; and ALAN
9 HECK, an individual,

Counter/Cross Defendants.

10 Plaintiff/Counter/Cross Defendant, Deutsche Bank National Trust Company, as Trustee
11 for, Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series
12 2004-R8 (hereinafter, "Plaintiff"), Defendant/Counterclaimant/Cross-Claimant, SFR
13 Investments Pool 1, LLC ("SFR"), and Defendant, The Villas Community Association (the
14 "HOA"), (collectively referred to as the "Parties"), by and through their respective undersigned
15 counsel, hereby stipulate and agree as follows:

16 **I. DISCOVERY COMPLETED BY THE PARTIES**

- 17 1. The HOA's Initial Disclosures pursuant to F.R.C.P. 26(a);
- 18 2. SFR's Initial Disclosures pursuant to F.R.C.P. 26(a);
- 19 3. Deutsche Bank's Initial Disclosures pursuant to F.R.C.P. 26(a);
- 20 4. The HOA's Interrogatories, Requests for Production, and Requests for
21 Admission to Deutsche Bank;
- 22 5. SFR's Interrogatories, Requests for Production, and Requests for Admission to
23 Deutsche Bank;
- 24 6. Deutsche Bank's Initial Expert Disclosure
- 25 7. The HOA's Rebuttal Expert Disclosure
- 26 8. Deutsche Bank's Interrogatories, Requests for Production, and Requests for
27 Admission to the HOA and SFR.
- 28 9. The deposition of Deutsche Bank's 30(b)(6) witness.

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10. A Deposition Notice and Subpoena Duces Tecum to Assessment Management Services aka Terra West, noticed by Deutsche Bank.

II. DISCOVERY TO BE COMPLETED IN THE FUTURE

1. The deposition of a witness for the HOA, originally scheduled to be held on January 29, 2018.

2. Deutsche Bank's responses to SFR's Interrogatories, Requests for Production, and Requests for Admission, currently due on January 29, 2018.

3. Deutsche Bank's responses to the HOA's Interrogatories, Requests for Production, and Requests for Admission, currently due on January 29, 2018.

4. SFR's responses to Deutsche Bank's Interrogatories, Requests for Production, and Requests for Admission, currently due on January 29, 2018.

5. The HOA's responses to Deutsche Bank's Interrogatories, Requests for Production, and Requests for Admission, currently due on February 16, 2018.

III. REASONS THAT DISCOVERY WAS NOT TIMELY COMPLETED

The parties seek an extension for the limited purpose of conducting a deposition of the F.R.C.P. Rule 30(b)(6) witness for the HOA Trustee, Assessment Management Services aka Terra West ("AMS") and the HOA. A deposition of AMS was scheduled for January 26, 2018. However, counsel for the witness, Aviva Gordon Esq., has many scheduling conflicts and the witness for AMS recently had a baby. As such, neither party is available until February 6, 2018.

Additionally, the deposition of the HOA was scheduled to occur on January 29, 2018, for which no witness appeared due to an inadvertent mistake. Based thereon, the parties are unable to complete these depositions within the existing discovery deadline, which is currently on January 29, 2018.

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1 **IV. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**

2 Regarding the requested extension of discovery, good cause exists to extend the
3 discovery deadline 30 days for the limited purpose of deposing the HOA and the HOA Trustee.
4 Good cause to extend the discovery cutoff exists "if it cannot reasonably be met despite the
5 diligence of the party seeking the extension." *See Johnson v. Mammoth Recreations, Inc.*, 975
6 F.2d 604, 608-09 (9th Cir. 1992). Here, Deutsche noticed the deposition of both the HOA and
7 the HOA Trustee within the discovery period, however, neither witness was able to attend,
8 requiring rescheduling of both.

9 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

10 The parties propose that all dates in the current Stipulated Discovery Plan and Scheduling
11 Order, filed on October 18, 2017, be amended as follows:

- 12 1. Discovery cut-off: currently January 29, 2018, desired February 28, 2018.
13 2. Dispositive Motions: currently February 28, 2018, desired March 30, 2018.

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1 **VI. CERTIFICATE OF CONFERENCE**

2 Counsel for all appearing parties has conferred via e-mail with respect to these issues.
3 All counsel have signed below, thereby indicating their approval of the instant Stipulation
4 to Extend Discovery and Dispositive Motion Deadline and do not request a conference before the
5 Court prior to entry of a new Scheduling Order.

6 DATED this 29th day of January, 2018.

DATED this 29th day of January, 2018.

7 WRIGHT, FINLAY & ZAK, LLP

KIM GILBERT EBRON

8 /s/ Ace C. Van Patten, Esq.

/s/ Diana S. Ebron, Esq.

9 Ace C. Van Patten, Esq.

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Las Vegas, Nevada 89139

13 *Attorney for Plaintiff*

Attorney for SFR Investments Pool 1, LLC

14 DATED this 29th day of January, 2018.

15 LIPSON, NEILSON, COLE, SELTZER &
16 GARIN, P.C.

17 /s/ Karen Kao, Esq.

18 J. William Ebert, Esq.

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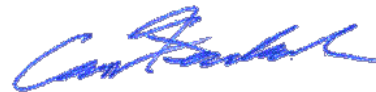
24 *Attorney for The Villas Community Association*

If dispositive motions are filed, the deadline
for filing the joint pretrial order will be
suspended until 30 days after decision on the
dispositive motions or further court order.

25 **ORDER**

26 **IT IS SO ORDERED.**

27 DATED this 5th day of February, 2018.

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UNITED STATES MAGISTRATE JUDGE